

Case No. 16-48

RESOLUTION 16-48

WHEREAS, George W. Dotson, owner of the property at 235 North Washington Avenue, desires to extend the front of his commercial building out to the property line; and

WHEREAS, the City Building Inspector has issued a formal refusal because the proposed commercial building would not maintain the minimum front yard set-back of thirty-eight (38) feet from the center line of the street right-of-way as required by Section twenty-eight (28) of the Zoning Ordinance; and

WHEREAS, the variance desired arises from a condition which is not uniform over the "LC" zoning district inasmuch as the thirty-eight (38) feet front yard set-back is required in just those districts fronting on a street which is included in the map designated "Major Street Setback Map" in the Zoning Ordinance; and

WHEREAS, the granting of the variance will not adversely affect the rights of adjacent property owners, since the other requirements of the Zoning Ordinance will be complied with; and

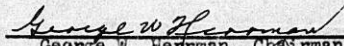
WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship on the property owner, inasmuch as the other commercial buildings in this district are built out to the property line; and

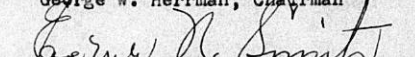
WHEREAS, the variance desired is not against the public interest inasmuch as Mr. Dotson has agreed to sign a waiver to his condemnation rights on his building in case it is necessary for the City to condemn the front of his building in order to widen Washington Avenue; said waiver to be of record and the waiver to run with the property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the extension of a commercial building to the property line on the premises of 235 North Washington Avenue, described as the North forty (40) feet of the South half of Lot Thirteen (13) in East Wichita Addition, but said permit shall not be issued until the Building Inspection Superintendent is satisfied that the terms of this resolution have been fulfilled.

ADOPTED at Wichita, Kansas, this eighth day of March, 1949.

Attest:


George W. Herrman, Chairman


Eugene N. Smith, Secretary

The City of Wichita

City Planning Commission

205 CITY BUILDING
WICHITA 2, KANSAS

April 9, 1949

Mr. George W. Dotson
235 Cleveland
Wichita, Kansas

Dear Mr. Dotson:

At the meeting of the Board of Zoning Appeals on March 8, 1949, your appeal, Case No. 16-48, was presented. This was an appeal from the Building Inspector's refusal to grant a permit for the extension of your commercial building out to the property line without observing the front yard set-back as required by Section 28 of the Zoning Ordinance - said commercial building being located on the premises at 235 North Washington Avenue.

After careful consideration it was the unanimous decision of the Board that this appeal be granted subject to you signing a waiver to your condemnation rights on this building in case it is necessary for the City to condemn the front of the building in order to widen Washington Avenue; said waiver is to be recorded at the Register of Deeds' office and is to run with the property.

As soon as the waiver is properly recorded, a building permit will be issued to you by the Building Inspector. If there are any questions concerning the decision of the Board, please feel free to call the Planning Office, room 304 of the City Building.

Very truly yours,

Eugene N. Smith
Secretary

De Luxe Bowling Lanes

235 N. WASHINGTON

PHONE 4-1823

WICHITA 2, KANSAS

January, 7, 1949

EQUIPPED WITH:

BOARD OF ZONING APPEALS CITY OF WICHITA.

GENTLEMEN:

BRUNSWICK

CENTENNIAL

DE LUXE

ALLEYS

In March of 1948 we gained permission from the Building inspection Department to construct a building at 235 N Washington St. to house a Bowling Alley and Lunch Business. We were surprised to learn at that time that it was necessary to set our building 10 1/2 feet back from our front property line while our adjacent neighbors were built out to theirs.

However we constructed and occupied our building complying with the set back rule.

Since your ruling in the Ned Steck case at 148 South Washington St just 2 blocks south of us on the same street we are encouraged to believe that our appeal to be allowed to extend our present building will be favorably passed on by your governing body.

TELE - SCORE

It seem probal2 that the widening process will come off of the opposite side from us as the section between Douglas Ave and First Street was widened last winter and that was the case in that block.

We will be willing to waiver this frontage in the event the city would require it in any future date if we are allowed now to build on that portion that is now unused by us or the city.

AUTOMATIC

FOULS

Yours Very Truly.

Geo. W. Dotson

Geo. W. Dotson.

235 N. Washington St

SECTIONED

LEAGUES

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To George W. Dotson Owner Address 1008 East Second
To Same Applicant Address _____

Dear Sir:

Your Application Dated December 6, 1948

For a Permit for the addition to the front of a building
_____ at the premises designated as
235 North Washington

Is hereby refused on this 6th day of December, 1948,
Under Section 28 of the Zoning Ordinance.

For the reason that the proposed addition would come closer to the center
line of said street, which is designated by said ordinance as a "Major
Street," than the distance required by said ordinance.

Respectfully,

S. B. Maple (S)
S. B. Maple
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of
Zoning Appeals (Room 304, City Hall) within ninety (90) days after
the date of this refusal. For further information, take this notice
to the Planning Department, Room 304, City Hall.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 3, 1949, ~~1948~~

George W. Dotson :

Your appeal, under the Zoning Ordinance, relative to premises at
235 North Washington

has been given Board of Zoning Appeals Case No. 16-48.

All inquiries and references should always be made to that Case
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning
Appeals either in person, or by agent or attorney, for a hearing of
your case on Tuesday, March 8, 19 49, at 5:30 p.m.
in the basement room of the Library.

Respectfully,

Eugene N. Smith
Secretary, Board of Zoning Appeals